THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.13602 OF 1996

DATED 5-12-2006

Between:

N. Sri Hari and others

.. Petitioners

and

Coir Board, represented by its Secretary,
Coir Board, Cochin and another

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.NO.13602 OF 1996

Order:

This writ petition is filed seeking a mandamus declaring that the petitioners are entitled to be regularized in service from the date of their initial appointment and further that the action of the respondents in adopting and giving different treatment for the employees working in different parts of the Country is in violation of Articles 14, 15 and 16 of the Constitution of India.

It appears that the petitioners are all working in the respondent Coir Board at Rajahmundry in East Godavari District and they were all appointed on 14-08-1984. Their services were regularized with effect from 23-01-1992. Now it is their grievance that the Coir Board is adopting different standards for different units in the Country. In case of one Sathiyan who was appointed by the Regional Coir Development Officer (Training and Extension), Pillaiyarpatti, Thanjavur, his services were regularized immediately after completion of two years of service, though he was appointed initially for a period of three months and there were artificial breaks in his service; whereas in case of the petitioners who are working at Rajahmundry Centre, their services are being regularized at the whims and fancies of the management. The petitioners have filed representations on 14-9-1994 and 15-9-1995, but no action has been taken by the respondents. The petitioners are also entitled for the same treatment as that of the personnel working at Thanjavur.

A detailed counter-affidavit has been filed by the respondents denying the allegations made by the petitioners and it is stated that the services of the petitioners were terminated and they were re-appointed on ad-hoc basis at different spells. Therefore, they cannot claim any regularization of their services with retrospective effect much less from the date of their initial appointment.

The allegation of the petitioners that the services of the said Sathiyan were regularized immediately after completion of two years, though he was similarly placed to that of the petitioners, is not specifically denied. It simply shows that the retrospective regularization of the petitioners at this stage will affect the rank of similarly placed employees and unless they are heard, it may jeopardize the interests of the other employees.

In view of the above, without expressing any opinion on the merits, the respondents are directed to consider and dispose of the representations filed by the petitioners on 14-09-1994 and 15-09-1995 within a period of two months from the date of receipt of a copy of this order. If necessary, the respondents shall also put all affected parties on notice, hear them and pass appropriate orders in accordance with law and communicate the same to the petitioners.

The writ petition is accordingly disposed of. There shall be no order as to costs.

C.V. RAMULU, J

05-12-2006.

IBL